



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

February 9, 2016  
Certified Mail/Return  
7012 3460 0003 1113 0505

Elk Creek Community S.D.  
P.O. Box 189  
Elk Creek, CA 95939

Attention: Stan Drummond, President

Subject: **Elk Creek Community S.D., Public Water System No. 1100616 – Citation No. 21-16C-006 for annual Consumer Confidence Report violation.**

It has come to our attention that Elk Creek Community S.D. ("Water System") failed to prepare and distribute the 2014 consumer confidence report by July 1, 2015. Consequently, the Division of Drinking Water hereby issues the enclosed Citation to the Water System. The enclosed Citation includes directives for corrective action and public notification.

**Please be advised that it is the Division's intention to impose civil penalties if the enclosed citation directives are not addressed by the deadlines specified therein.**

Section 116577 of the California Safe Drinking Water Act provides for the division to be reimbursed by the public water system for costs incurred for preparing and issuing a citation. Currently the hourly rate is approximately \$153.00 per hour.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

A handwritten signature in black ink, reading "R. Crenshaw".

Reese B. Crenshaw, P.E.  
Valley District Engineer  
DRINKING WATER FIELD  
OPERATIONS BRANCH

Enclosures

1 **Citation No. 21-16C-006**

2  
3 **STATE WATER RESOURCES CONTROL BOARD**

4 **DIVISION OF DRINKING WATER**

5  
6 **Public Water System:** Elk Creek Community S.D.

7 **Water System No.:** 1100616

8  
9 **To:** Elk Creek Community S.D.

10 Attn: Stan Drummond, President

11 P.O. Box 189

12 Elk Creek, CA 95939

13  
14 **Issued:** February 9, 2016

15 VIA CERTIFIED MAIL

16  
17  
18 **CITATION FOR NONCOMPLIANCE**

19 **With the California Health and Safety Code**

20 **Section 64483**

21  
22 Section 116650 of the California Health and Safety Code (CHSC) authorizes the  
23 issuance of a citation for failure to comply with a requirement of the California Safe  
24 Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with  
25 Section 116270), or any regulation, standard, permit, or order issued thereunder.  
26



1 The State Water Resources Control Board (hereinafter "Board"), acting by and  
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director  
3 for the Division, hereby issues a citation to Elk Creek Community S.D. for failure to  
4 comply with Section 64483 of the California Code of Regulations (CCR).

5  
6 **APPLICABLE AUTHORITIES**

7 Section 116650 of the CHSC states:

8       (a) *If the division determines that a public water system is in violation of*  
9       *this chapter or any regulation, permit, standard, citation, or order*  
10       *issued or adopted thereunder, the division may issue a citation to the*  
11       *public water system. The citation shall be served upon the public*  
12       *water system personally or by certified mail. Service shall be deemed*  
13       *effective as of the date of personal service or the date of receipt of*  
14       *the certified mail. If a person to whom a citation is directed refuses to*  
15       *accept delivery of the certified mail, the date of service shall be*  
16       *deemed to be the date of mailing.*

17  
18       (b) *Each citation shall be in writing and shall describe the nature of the*  
19       *violation or violations, including a reference to the statutory provision,*  
20       *standard, order, citation, permit, or regulation alleged to have been*  
21       *violated.*

22  
23       (c) *A citation may specify a date for elimination or correction of the*  
24       *condition constituting the violation.*  
25



1 (d) A citation may include the assessment of a penalty as specified in  
2 subdivision (e).

3  
4 (e) The division may assess a penalty in an amount not to exceed one  
5 thousand dollars (\$1,000) per day for each day that a violation  
6 occurred, and for each day that a violation continues to occur. A  
7 separate penalty may be assessed for each violation.  
8

9 Consumer Confidence Reporting Regulation

10 Section 64483, Title 22, of the CCR states in relevant part:

11 (a) No later than the date the water system is required to distribute  
12 the Consumer Confidence Report to its customers (July 1<sup>st</sup>),  
13 each water system shall mail a copy of the report to the State  
14 Board, followed within 3 months (October 1<sup>st</sup>) by a certification  
15 that the report has been distributed to customers, and that the  
16 information is correct and consistent with the compliance  
17 monitoring data previously submitted to the State Board.  
18

19 **STATEMENT OF FACTS**

20 The Elk Creek Community S.D. (hereinafter, "System") is classified as a community  
21 water system serving approximately 90 people. The System is required to prepare  
22 and deliver an annual Consumer Confidence Report (hereinafter, "Report") to its  
23 consumers by July 1<sup>st</sup> of each year. In addition, the System is required to submit to  
24 the Division a copy of the Report and a certificate of the Report's distribution by  
25 October 1<sup>st</sup> of each year. As of the date of this citation, the Division has not received



1 a copy of the 2014 Report from the System, nor certification that the Report was  
2 prepared and delivered to its consumers.

3  
4 **DETERMINATIONS**

5 The Division has determined that the System violated Section 64483, Title 22, of the  
6 CCR, in that it failed to prepare and distribute the 2014 Consumer Confidence Report  
7 by July 1, 2015, and submit certification of the Report's distribution to the Division by  
8 October 1, 2015

9  
10 **DIRECTIVES**

11 The System is hereby directed to take the following action:

- 12
- 13 1. **By March 9, 2016**, the System shall prepare and distribute the 2014 Consumer  
14 Confidence Report to its customers. The Report must be prepared and  
15 delivered in accordance with Title 22, Sections 64480 through 64483 and be  
16 pre-approved by the Division before distribution. The Report must also indicate  
17 the specifics of the violation stated in this citation.  
18
  - 19 2. **By March 16, 2016**, the System shall return Attachment 'A', "Certification  
20 Form", to certify that the Consumer Confidence Report has been distributed to  
21 customers.  
22

23 All documents required by this Citation to be submitted to the Division shall be  
24 submitted to the following address:

25  
26 Reese B. Crenshaw, P. E.  
27 Valley District Engineer



1 Drinking Water Field Operations  
2 Division of Drinking Water  
3 State Water Resources Control Board  
4 364 Knollcrest Drive, Suite 101  
5 Redding, CA 96002  
6 (530) 224-4800  
7

8 Nothing in this Citation relieves the System of its obligation to meet the requirements  
9 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking  
10 Water Act), or any regulation, permit, standard or order issued or adopted thereunder.  
11

12 The Division reserves the right to make such modifications to this Citation, as it may  
13 deem necessary to protect public health and safety. Such modifications may be  
14 issued as amendments to this Citation and shall be effective upon issuance.  
15

#### 16 **FURTHER ENFORCEMENT ACTION**

17 The California SDWA authorizes the Board to: issue citation with assessment of  
18 administrative penalties to a public water system for violation or continued violation of  
19 the requirements of the California SDWA or any permit, regulation, permit or order  
20 issued or adopted thereunder including, but not limited to, failure to correct a violation  
21 identified in a citation or compliance order. The California SDWA also authorizes the  
22 Board to take action to suspend or revoke a permit that has been issued to a public  
23 water system if the system has violated applicable law or regulations or has failed to  
24 comply with an order of the Board; and to petition the superior court to take various  
25 enforcement measures against a public water system that has failed to comply with  
26 orders of the Board. The Board does not waive any further enforcement action by  
27 issuance of this citation.

1 **PARTIES BOUND**

2 This Citation shall apply to and be binding upon the System, its officers, directors,  
3 agents, employees, contractors, successors, and assignees.

4  
5 **SEVERABILITY**

6 The directives of this Citation are severable, and the System shall comply with each  
7 and every provision thereof notwithstanding the effectiveness of any other provision.

8  
9  
10 R. Crenshaw

11  
12 Reese B. Crenshaw, P.E., District Engineer  
13 Valley District  
14 Drinking Water Field Operations Branch

2/9/16

Date

15  
16 Attachments:

17 'A' CCR Certification Form  
18



## Consumer Confidence Report Certification Form

(to be submitted with a copy of the CCR to:  
Reese Crenshaw / SWRCB - DDW / 364 Knollcrest Dr, Suite 101, Redding, CA. 96002)

Water System Name: Elk Creek Community S.D.

Water System No.: 1100616

The water system named above hereby certifies that its Consumer Confidence Report was distributed on \_\_\_\_\_ (date) to customers (and appropriate notices of availability have been given). Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the California Department of Public Health.

Certified by:      Name: \_\_\_\_\_  
                         Signature: \_\_\_\_\_  
                         Title: \_\_\_\_\_  
                         Phone Number: (      )      Date: \_\_\_\_\_

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*To summarize report delivery used and good-faith efforts taken, please complete the below by checking all items that apply and fill-in where appropriate:*

☐ CCR was distributed by mail or other direct delivery methods. Specify other direct delivery methods used: \_\_\_\_\_

☐ "Good faith" efforts were used to reach non-bill paying consumers. Those efforts included the following methods:

☐ Posting the CCR on the Internet at www. \_\_\_\_\_

☐ Mailing the CCR to postal patrons within the service area (attach zip codes used)

☐ Advertising the availability of the CCR in news media (attach copy of press release)

☐ Publication of the CCR in a local newspaper of general circulation (attach a copy of the published notice, including name of newspaper and date published)

☐ Posted the CCR in public places (attach a list of locations)

☐ Delivery of multiple copies of CCR to single-billed addresses serving several persons, such as apartments, businesses, and schools

☐ Delivery to community organizations (attach a list of organizations)

☐ Other (attach a list of other methods used)

☐ For systems serving at least 100,000 persons: Posted CCR on a publicly-accessible internet site at the following address: www. \_\_\_\_\_

☐ For privately-owned utilities: Delivered the CCR to the California Public Utilities Commission